

9-133.000

**EMBEZZLEMENT AND THEFT FROM LABOR
UNIONS (29 U.S.C. § 501(C)) AND EMPLOYEE
BENEFIT PLANS (18 U.S.C. § 664)**

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9-133.010 Introduction

This chapter focuses on two statutes that prohibit embezzlement or theft. Title 29 U.S.C. § 501(c) prohibits the embezzlement and theft of property from a labor organization covered by the Labor-Management Reporting and Disclosure Act (LMRDA) (29 U.S.C. § 401, *et seq.*). Title 18 U.S.C. § 664 prohibits the embezzlement and theft of property by any person from an employee pension or welfare benefit plan subject to title I of the Employee Retirement Income Security Act (ERISA), 29 U.S.C. § 1001, *et seq.*, or a fund connected to such a plan.

See the Criminal Resource Manual for a brief discussion of the law, form indictments, and a listing of cases involving these statutes

Generally	Criminal Resource Manual at 2414
Form Indictment -- Embezzlement and Theft of Labor Union Assets in the Private Sector -- (29 U.S.C. § 501(c))	Criminal Resource Manual at 2416
Form Indictment -- Embezzlement and Theft From an Employee Pension or Welfare Benefit Plans or a Fund Connected With Such Plans -- (18 U.S.C. § 664)	Criminal Resource Manual at 2417
29 U.S.C. 501(c) Decisions	Criminal Resource Manual at 2418
18 U.S.C. § 664 Decisions	Criminal Resource Manual at 2419

9-133.010 Policy -- Concurrent Federal-State Jurisdiction

In any matter which is a violation of 29 U.S.C. § 501(c) or 18 U.S.C. § 664 as well as a violation of state criminal law, the United States Attorney (USA) is authorized to determine after investigation whether the matter should be referred to local authorities for prosecution or whether it warrants federal prosecution. When such matters are referred to local authorities, the Federal Bureau of Investigation or the United States Department of Labor should be advised of the referral and requested to determine the status of the local prosecution 90 days after referral. In the event local authorities fail to take any action upon such a referral within 90 days, the USA should then initiate federal prosecution.

9-133.030 Investigative and Supervisory Jurisdiction

The Labor-Management Unit of the Organized Crime and Racketeering Section, Criminal Division, has supervisory jurisdiction over 29 U.S.C. § 501 and 18 U.S.C. § 664. For information on investigative jurisdiction, see the Criminal Resource Manual at 2415.